

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

IN RE:

HARRY ROSS HALL and
RHONDA GAYLE NASH-HALL,

Debtor(s).

Chapter 7
Case No. 12-61871

**MOTION FOR ENTRY OF AN ORDER APPROVING SALE OF PROPERTY OF THE
ESTATE FREE AND CLEAR OF LIENS**

Andrew S. Goldstein (the “Trustee”), the chapter 7 trustee for the above-referenced debtors (the “Debtors”), by counsel, requests approval to sell property of the bankruptcy estate outside of the Debtors’ ordinary course of business (the “Motion”) pursuant to §§ 105 and 363(b)(1) of title 11 of the United States Code (the “Bankruptcy Code”) and rule 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of his Motion, the Trustee respectfully states as follows:

JURISDICTION AND VENUE

1. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

2. On August 14, 2012 (the “Petition Date”), the Debtors filed a voluntary petition for relief (the “Petition”) under chapter 7 of the Bankruptcy Code.
3. The Trustee determined that the Debtors hold a 25 percent interest in the Estate of Dorothy M. Hall (the “Property”), which owns an interest a parcel of real estate in Amherst County, Virginia.
4. The Trustee is aware of no liens on the Property.

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5. The Trustee requests that the Court authorize him to sell the bankruptcy estate's interest in the Property for \$7,500.00, free and clear of all liens, encumbrances, and other interests, and sign any documents on behalf of the Debtors necessary to convey the Property to the purchaser. The proposed purchaser of the property is Patrick Wayne Hall and the funds for purchase of the property are provided by Wayne E. Hall.
6. The Trustee proposes that the purchaser is a purchaser in good faith and should be provided the protections in 11 U.S.C. § 363(m).
7. The Trustee proposes that any liens on the Property attach to the proceeds of the Property to the same extent, with the same validity and priority as the liens had in the Property.
8. The Trustee requests that the Court make the order granting this motion effective and enforceable immediately upon its entry.

BASIS FOR RELIEF

9. The sale provisions of § 363(b)(1) of the Bankruptcy Code state that "[t]he trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of estate." Section 105(a) of the Bankruptcy Code provides that "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."
10. The sale of the Property should be authorized pursuant to § 363 of the Bankruptcy Code if sound business purposes exist for doing so. In re Lionel Corp., 722 F.2d 1063, 1070–71 (2d Cir. 1983); In re Martin, 91 F.3d, 395 (3d Cir. 1996).
11. The Trustee submits that adequate business and other justifications exists which merit judicial approval of the sale of the Property.

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WHEREFORE, the Trustee respectfully requests that the Court enter an Order approving the sale of property of the estate on the terms described in this Motion, and for such other and further relief as the Court deems appropriate.

Date: April 5, 2013

Respectfully submitted,

ANDREW S. GOLDSTEIN, Trustee

By: /s/ Garren R. Laymon

Of Counsel

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